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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,265	01/26/2001	Greg Arnold	PALM-3565.US.P	7984
49637	7590	03/02/2006	EXAMINER	
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			NGUYEN, KIMBINH T	
			ART UNIT	PAPER NUMBER
			2671	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/771,265	Applicant(s) ARNOLD ET AL.	
	Examiner Kimbinh T. Nguyen	Art Unit 2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-19 is/are allowed.
- 6) ☒ Claim(s) 1-14,20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/06 has been entered.
2. Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 9, 11-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fascenda (6,560,604) in view of Tsimelzon (6,763,388).

Claims 1 and 20, Fascenda discloses a method of adapting content for transmission (the servers transmits an information response message to the client device; abstract; col. 6, lines 28-31) to a palmtop or like portable computer (client device 108 can be a personal computer, a Palm Pilot, fixed, portable or mobile; wireless handheld; col. 8, lines 46-62), comprising: receiving an identifier (ID) from the palmtop at a data center (a unique client identifier and having a client template database; col. 3,

lines 30-36); accessing a table of data in conjunction with the identifier from the palm top computer to select a profile for downloading information (col. 3, lines 36-45) to the palmtop computer (col. 10, lines 43-50) a profile for downloading information to the palmtop computer (column 2 lines 58-61), the table of data comprising parameters characteristic (parameters column 714) of capabilities of the palmtop computer (a client device 108 can be a wireless hand held computing device and can be a personal computer (col. 8, lines 55-56); col. 13, line 62 through col. 14, line 22); Fascenda does not teach adapting web content created through web clipping to be transmitted to the palmtop computer based upon the profile from the table of data; however, Tsimelzon teaches this feature (col. 10, line 40 through col. 11, line 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the web clipping taught by Tsimelzon into the operating system of Fascenda for updating options, features and/or services available to a client device (Palm Pilot), because using web clipping in the handheld and selects a link to the shortpage, it would create shortpage to the proxy server and it would implement for a wide variety of clients (col. 10, lines 60-62).

Claim 9, Fascenda does not disclose wherein the adapting comprises transmitting only a first frame of an animated GIF. This would have been obvious to one of ordinary skill in the art at the time the invention was made because PDA's were known to have limited processing power and ability therefore they could not handle animated sequence.

Claim 11, Fascenda does not disclose wherein the adapting comprises converting a digital audio signal with a first sampling rate to a digital audio signal with a second sampling rate, and wherein the second sampling rate is lower than the first sampling rate. This would have been obvious to one of ordinary skill in the art at the time the invention was made because PDA's were known to have limited processing power and ability therefore they would not handle audio with a high sampling rate.

Claim 12, Fascenda discloses wherein the identifier comprises a serial number (fig. 8).

Claim 13, Fascenda discloses wherein the identifier comprises a request header transmitted from the palmtop computer (col. 11, lines 28-38; fig. 4A).

Claim 14, Tsimelzon discloses wherein said data center comprises a proxy server serving the palmtop computer (fig. 16; col. 10, lines 44-46). It would have been obvious to one of ordinal skill in the art at the time the invention was made to incorporate the web clipping taught by Tsimelzon into the operating system of Fascenda for updating options, features and/or services available to a client device (Palm Pilot), because using proxy server to modify the page somewhat before sending the page to the handheld device and it would save the user's choices.

5. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fascenda in view of Tsimelzon (6,763,388) as applied to claim 1 above, and further in view of Robotham et al. (6,704,024).

Claim 2, Fascenda does not disclose further comprises a transmission speed for transmission to the palmtop computer. This is disclosed in Robotham et al in column 2

lines 5-45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to figure the transmission speed to the palmtop computer because different palmtops would have different speeds of transmission, therefore if one would receive information faster you would want to take advantage of this fact.

Claim 3, Fascenda does not disclose further comprises a processing power for a processor residing within the palmtop computer. This is disclosed in Robotham et al in column 2 lines 5-45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to figure the processing power of the palmtop computer because different palmtops could have different processing power, therefore if one had more processing power you would want to take advantage of this fact.

Claim 4, Fascenda does not disclose further comprises a display parameter for a display of the palmtop computer. This is disclosed in Robotham et al in column 2 lines 5-45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to figure the display parameter of the palmtop computer because different palmtops would have different display parameters, therefore if one would have more display parameters you would want to take advantage of this fact because the final image would look more pleasing on that particular device.

Claim 5, Fascenda in view of Robotham does not disclose wherein the display parameter comprises the display's color handling ability. This would have been obvious to one of ordinary skill in the art at the time the invention was made because different palmtops would have different color handling ability, therefore if one would have more

display colors you would want to take advantage of this fact because the final image would look more pleasing on that particular device.

Claim 6, Fascenda in view of Robotham et al does not disclose wherein the display parameter comprises the display resolution. This would have been obvious to one of ordinary skill in the art at the time the invention was made because different palmtops would have different resolutions, therefore if one would have better resolution you would want to take advantage of this fact because the final image would look more pleasing on that particular device.

Claim 7, Fascenda does not disclose further comprises an amount of memory available to the palmtop computer. This is disclosed in Robotham et al in column 2 lines 5-45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to figure the amount of memory available to the palmtop computer because different palmtops could have different memory capacities, therefore if one could had more information you would want to take advantage of this fact because this would improve system performance.

Claim 8, Fascenda does not disclose further comprises a data transmission format. This is disclosed in Robotham et al in column 2 lines 5-45. It would have been obvious to one of ordinary skill in the art at the time the invention was made to figure the transmission format to the palmtop computer because different palmtops could handle different formats of transmission, therefore if one could receive formats you would want to take advantage of this fact because the palmtop could handle more of a variety of data.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fascenda in view of Tsimelzon (6,763,388) as applied to claim 1 above, and further in view of Britton et al. (6,654,814).

Claim 10, Fascenda does not disclose wherein the adapting comprises converting color images to a low resolution grey scale image. This is disclosed in Britton et al in column 2 lines 37-46. It would have been obvious to one of ordinary skill in the art at the time the invention was made because palmtop computers had less processing and display ability than desktop computers, therefore you had to reduce high display like color images to low resolution grey that the palmtop computers could handle.

Allowable Subject Matter

7. Claims 15-19 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach selecting a profile for downloading information to the palmtop computer from the table of data in conjunction with the identifier, the profile adapted to minimize transmission of the information to the palmtop computer based on the characteristic parameters of the palmtop computer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

8. Applicant's arguments filed 12/22/05 have been fully considered but they are not persuasive, because Fascenda, Tsimelzon, Robotham disclose the client device is palmtop computer or like portable computer, such as: Fascenda (client device 108 is a Palm Pilot computing device, a handheld, portable or mobile computing device which include unique identifier); Tsimelzon teaches that a client device includes a laptop computer, a palmtop computer; col. 4, lines 16-17); Robotham teaches the client device can be a personal computer, handheld device such as a PALMPILOT or other PDA; col. 19, lines 4-18.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimbinh T. Nguyen whose telephone number is (571) 272-7644. The examiner can normally be reached on Monday to Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached at (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 28, 2006

A handwritten signature in black ink, appearing to read "Kimbinh T. Nguyen".

KIMBINH T. NGUYEN
PRIMARY EXAMINER